

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5438
Date Filed 8-2-04
Hearing Date _____
Receipt _____
Fee \$450-

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	CASE 5438 MAP 47 TYPE Variance
<input type="checkbox"/> Special Exception	
<input type="checkbox"/> Use Variance	
<input type="checkbox"/> Change/Extension of Non-Conforming Use	ELECTION DISTRICT 4 LOCATION 2523 Greene Road, Baldwin, Md. 21013
<input type="checkbox"/> Minor Area Variance	BY Albert Paul Class
<input type="checkbox"/> Area Variance	
<input type="checkbox"/> Variance from Requirements of the Code	Appealed because a variance pursuant to Section 267-35B, Table III of the Harford County Code to
<input type="checkbox"/> Zoning Map/Drafting Correction	allow a carport with concrete pad within the 15 foot side yard setback (11 foot proposed) in a RR District
	requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Albert Paul Class Phone Number (410) 557-8017
Address 2523 Greene Road Baldwin Md 21013
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2523 Greene Road
Baldwin Md 21013

Subdivision Johnson Heights Lot Number 6

Acreage/Lot Size 117 x 250 Election District 4 Zoning RR

Tax Map No. 0047 Grid No. 0001A Parcel 0365 Water/Sewer: Private ☒ Public ☐

List ALL structures located on property and current use: House

② Shed
Antique car storage + lawn mowers

Estimated time required to present case: 30 min

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

Construction of 24' x 32' carport with 24' x 36' concrete
pad to replace 24' x 22' asphalt parking pad - need a
set back exception for 4'

Justification

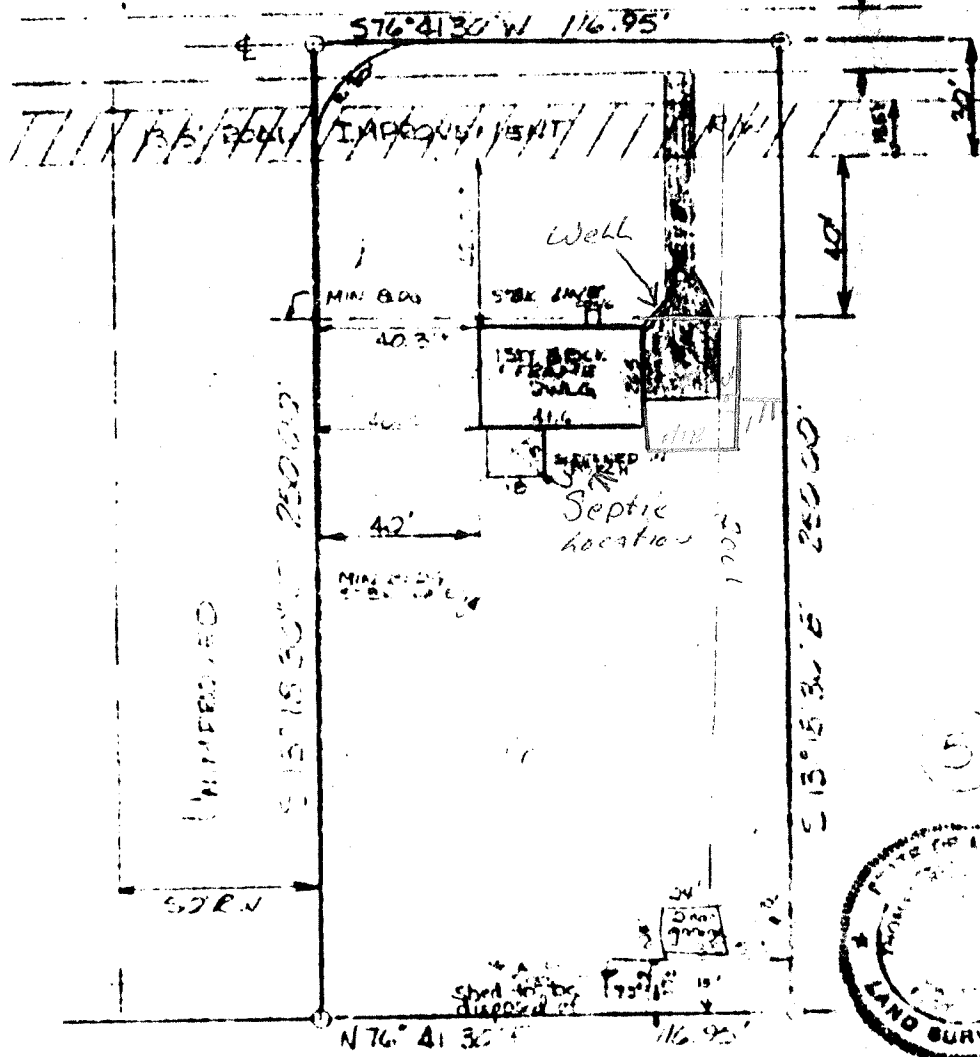
Set in place of existing asphalt pad 24' wide
Septic located to rear of house. Well located in way of
setting carport + driveway closer to house. Set back on front
+ other side prohibits any building or expansion. Will not
interfere with neighbor as his garage is next to carport area
with existing vegetation separating buildings

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

No changes made to topography as water flows across my
property from front to rear as originally sloped

GREENE ROAD

136-83



I, T. R. STARK & ASSOCIATES, INC. do hereby certify that the above is a true and correct copy of the original plat as filed in the office of the State of Maryland Land Surveyors.

T. R. Stark

RECORD PLAT BOOK 136-83 T. R. STARK & ASSOCIATES, INC. LAND SURVEYORS 1000 E. EIGHTH STREET BALTIMORE, MARYLAND 21202 HANOVER COUNTY, MARYLAND		T. R. STARK & ASSOCIATES, INC. LAND SURVEYORS 1000 E. EIGHTH STREET BALTIMORE, MARYLAND 21202 HANOVER COUNTY, MARYLAND	
DR BY:	DATE	OK BY:	SCALE
			FILE NO

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



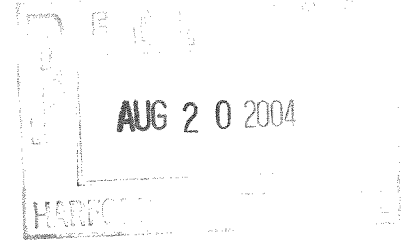
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 16, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5438

APPLICANT/OWNER: Albert Paul Class
2523 Greene Road, Baldwin, Maryland 21013

REPRESENTATIVE: Applicant

LOCATION: 2523 Greene Road – Johnson Heights
Tax Map: 47 / Grid: 1A / Parcel: 0365 / Lot: 6
Election District: 4

ACREAGE: 29,250 square feet – 0.671 of an acre

ZONING: RR/Rural Residential

DATE FILED: August 2, 2004

HEARING DATE: September 22, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

“Construction of 24’x 32’ carport with 24’x 36’ concrete pad to replace 24’x 22’ asphalt parking pad - need a setback exception for 4’.”

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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Justification:

“Set in place of existing asphalt pad 24’ wide. Septic located to rear of house. Well located in way of setting carport and driveway closer to house. Set back on front and other side prohibits any building or expansion. Will not interfere with neighbor as his garage is next to carport area with existing vegetation separating buildings. No changes made to topography as water flows across my property from front to rear as originally sloped.”

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to allow a carport with concrete pad within the 15 foot side yard setback (11 foot proposed) in an RR/Rural Residential District. Enclosed with the report is a copy of Section 267-35B, Table III of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located in the northwest area of the County. The lot is situated on the south side of Greene Road approximately 1,200 feet west of Baldwin Mill Road (MD Route 165). A location map and a copy of the Applicant’s site plan are enclosed (Attachments 2 and 3).

The predominant land use designations in this area of the County are Agricultural and Rural Residential. Other land use designations include the Rural Village of Upper Crossroads, stream systems, parks, habitats of local significance and Agricultural Preservation Districts and easements. The subject property is designated as Rural Residential, which is defined by the 2004 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 2004 Master Plan. The Upper Crossroads area contains a mix of agricultural, residential and commercial uses. Many of the single-family developments were created during the 1960s and 1970s. The topography of the area ranges from rolling to steep, especially in the area of the stream valleys.

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Enclosed with the report is a topography map and a copy of the aerial photograph (Attachments 6 and 7).

The subject property is a rectangular shaped lot approximately 0.671 of an acre in size. It is a corner lot with road frontage on Greene Road and on an unimproved recorded 50 foot right-of-way (Attachment 8). The right-of-way was established for future development. The lot slopes down gently from the road to the front of the house, and then slopes more sharply from the rear of the house to the rear property line. Improvements consist of a brick and frame rancher with an attached carport on the left side, which is the subject of this request. Located in the left rear corner of the lot is a storage building. The property backs up to a large, active farm field. There are existing trees along the left property that screen the Applicant's lot from the adjoining property. The existing carport covers an area that was paved and used for parking. Enclosed with the report is an enlargement of the aerial photograph and site photographs (Attachments 9 and 10).

Zoning:

The zoning classifications conform to the overall intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in this area are AG/Agricultural and RR/Rural Residential. Commercial zoning in this area is VB/Village Business District. Enclosed with the report is a copy of the zoning map (Attachment 11).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-35B, Table III of the Harford County Code to allow a carport with concrete pad within the 15 foot side yard setback (11 foot proposed) in an RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The existing topography and improvements, including the well, restrict the area available for the carport. The Applicant's carport is adjacent to the neighbor's garage. Because of the elevation difference between these properties and the existing vegetation, the 4 foot reduction will not be easily noticeable. The reduced setback will not adversely impact the intent of the Code or the adjacent properties.

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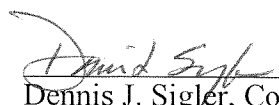
Albert Paul Class

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RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved as requested subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the carport.
2. The carport shall not be enclosed in the future.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka